

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LAURA MCCAMMACK,)	
)	
Plaintiff,)	
)	Case No. 08 CV 3854
vs.)	
)	Judge St. Eve
COMMUNITY CONSOLIDATED)	
SCHOOL DISTRICT NO. #15,)	
)	
Defendant.)	

**DEFENDANT’S ANSWER AND AFFIRMATIVE
DEFENSES TO PLAINTIFF’S COMPLAINT**

NOW COMES Defendant Community Consolidated School District No.15 by its attorneys, John A. Relias and Katie Belpedio, and in answer to Plaintiff’s Complaint states as follows:

JURISDICTION AND VENUE

ALLEGATION NO. 1:

Plaintiff brings this action for benefits under the Age Discrimination in Employment Act of 1967 (hereinafter sometimes referred to as the ADEA), 29 U.S.C. § 621-634, under the provisions of the Age Discrimination in Employment Act, viz. 29 U.S.C. §626(c).

ANSWER: Defendant admits that Plaintiff purports to bring her claim under the ADEA.

ALLEGATION NO. 2:

Jurisdiction of this action is conferred upon the Court by Section 7(b) of the Age Discrimination in Employment Act, (29 U.S.C. § 626 (b)) and Venue 28 U.S.C. § 1331.

ANSWER: Defendant admits the allegations of Paragraph No. 2.

ALLEGATION NO. 3:

The employment practices hereafter alleged to be unlawful were and are now being committed in the Northern District of Illinois, Eastern Division.

ANSWER: Defendant admits that Plaintiff makes the allegations found in Paragraph 3, but denies that those allegations are true.

PARTIES

ALLEGATION NO. 4:

Plaintiff is an adult person and a resident of Cook County, State of Illinois.

ANSWER: Defendant admits the allegations of Paragraph No. 4.

ALLEGATION NO. 5:

Plaintiff was an employee of COMMUNITY CONSOLIDATED SCHOOL DISTRICT in August of 2006.

ANSWER: Defendant admits the allegations of Paragraph No. 5.

STATEMENT OF FACT

ALLEGATION NO. 6:

Plaintiff was employed as a teacher for the Defendant.

ANSWER: Defendant admits the allegations of Paragraph No. 6

ALLEGATION NO. 7:

At all times relevant, Defendant, has been and is a government body of the State of Illinois, and has continuously had and now have at least five hundred (500) employees.

ANSWER: Defendant admits the allegations of Paragraph No. 7.

ALLEGATION NO. 8:

Plaintiff was born on March 24, 1961, and falls within the group protected by the ADEA.

ANSWER: Defendant admits the allegations of Paragraph No. 8.

ALLEGATION NO. 9:

At all times material herein and hereinafter mentioned, Defendant has engaged in and employed its employees in commerce. The Defendant was, and is, and has been, at all times material herein, engaged in commerce within the meaning of the ADEA.

ANSWER: Defendant admits the allegations of Paragraph No. 9.

ALLEGATION NO. 10:

Defendant Corporation is an employer within the meaning of the ADEA.

ANSWER: Defendant admits the allegations of Paragraph No. 10.

ALLEGATION NO. 11:

Plaintiff was an employee of the Defendant for approximately 1 year covering the period from August 2006, until the plaintiff was terminated in violation of the ADEA on, to-wit: March 14, 2007 and replaced by a person not within the protected group.

ANSWER: Defendant denies the allegations of Paragraph 11, except it admits that Plaintiff was one of its employees for the 2006-07 school year.

ALLEGATION NO. 12:

On or about September of 2006 and continuously thereafter, while meeting the minimum standards of her employer, the defendant willfully discriminated against plaintiff because of her age. Plaintiff reached 45 years of age before March 24, 2007.

ANSWER: Defendant denies the allegations of Paragraph No. 12, except it admits Plaintiff reached 45 years of age before March 24, 2007.

ALLEGATION NO. 13:

As a result of Defendant's actions, the Plaintiff has been deprived of her wages and employment benefits.

ANSWER: Defendant denies the allegations of Paragraph 13.

ALLEGATION NO. 14:

In addition, the Plaintiff seeks to be reinstated, but if she is not reinstated, she will continue to be deprived of wages and employment benefits in the future. The Plaintiff is therefore entitled to an award of front pay if reinstatement is not possible.

ANSWER: Defendant denies the allegations of Paragraph No. 14, except it admits that Plaintiff seeks reinstatement, a remedy she is not entitled to.

ALLEGATION NO. 15:

The Defendant's conduct was at all times willful and wanton entitling the Plaintiff to liquidated damages.

ANSWER: Defendant denies the allegations of Paragraph No. 15.

PROCEDURAL FACTS

ALLEGATION NO. 16:

Plaintiff protested her unlawful termination and on August 10, 2007, filed charges of the discrimination herein alleged with the Equal Employment Opportunity Commission at Chicago (EEOC), Illinois. A true and correct copy of the Charge of Discrimination is attached hereto as Exhibit "A" and incorporated herein. Efforts by that agency to obtain voluntary compliance by the Defendant with the Age Discrimination in Employment Act have been unsuccessful thereby causing the EEOC to issue a Notice of Right to Sue letter. A true and correct copy of the Notice of Right to Sue is attached hereto as Exhibit "B" and incorporated herein.

ANSWER: Defendant admits the allegations of Paragraph 16, except it denies that Plaintiff's termination was unlawful and further denies that it failed to comply or violated the ADEA in regard to Plaintiff's termination.

ALLEGATION NO. 17:

This action has been timely filed within ninety (90) days of the receipt of the Notice of Right to Sue.

ANSWER: Defendant admits the allegations of Paragraph No. 17.

AFFIRMATIVE DEFENSE

1. Plaintiff has failed to mitigate her alleged damages.

WHEREFORE, Defendant Community Consolidated School District 15 requests that judgment be entered in its favor and against Plaintiff Laura McCammack.

Respectfully submitted,

COMMUNITY CONSOLIDATED
SCHOOL DISTRICT NO. 15

By: s/John A. Relias -02313081
jar@franczek.com

John A. Relias - 02313081
jar@franczek.com
Katie L. Belpedio – 6285731
kb@franczek.com
FRANCZEK SULLIVAN P.C.
300 South Wacker Drive, Suite 3400
Chicago, IL 60606
(312) 986-0300

Dated: August 18, 2008

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that I electronically filed the foregoing **Defendant's Answer and Affirmative Defense to Plaintiff's Complaint** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on this 18th day of August, 2008:

Michael T. Smith
Law Offices of Michael T. Smith
440 W. Irving Park Road
Roselle, IL 60172

By:: s/John A. Relias 02313081
jar@franczek.com

John A. Relias - 02313081
jar@franczek.com
Katie L. Belpedio - 6285731
kb@franczek.com
FRANCZEK SULLIVAN P.C.
300 South Wacker Drive, Suite 3400
Chicago, IL 60606
(312) 986-0300